

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, January 17, 2019

The Senate convened at 1:15 p.m., with President Sanford presiding.

The prayer was offered by Pastor Daniel Haveman, Open Door Baptist Church, Bismarck.

The roll was called and all members were present except Senator Sorvaag.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that SB 2275 be returned to the Senate floor from the **Appropriations Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2275 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2140: SEN. MYRDAL (Judiciary Committee) MOVED that the amendments on SJ page 219 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2052: SEN. RUST (Education Committee) MOVED that the amendments on SJ pages 218-219 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2172: SEN. LUICK (Judiciary Committee) MOVED that the amendments on SJ page 220 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2056: A BILL for an Act to amend and reenact subsection 2 of section 43-09-11 and sections 43-09-15 and 43-09-15.1 of the North Dakota Century Code, relating to electrician qualifications and license renewal; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Sorvaag

Engrossed SB 2056 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2191: A BILL for an Act to amend and reenact sections 57-39.2-02.2 and 57-40.2-02.3 of the North Dakota Century Code, relating to the application of sales and use tax to

certain sellers located outside this state; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Sorvaag

SB 2191 passed.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact sections 54-52.1-06, 54-52.1-07, and 54-52.1-18 of the North Dakota Century Code, relating to state contribution for the uniform group insurance program; to provide for application; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Larsen, O.

NAYS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Sorvaag

SB 2132 failed.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to amend and reenact section 12.1-31-01.2 of the North Dakota Century Code, relating to sexual assault restraining orders.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Sorvaag

SB 2203 passed.

SECOND READING OF SENATE BILL

SB 2158: A BILL for an Act to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to professional development exemption for certain driver education instructors.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Hogue

NAYS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Sorvaag

SB 2158 failed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2123, SB 2153, SB 2185.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2145.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1080, HB 1091, HB 1110, HB 1147, HB 1242, HB 1244.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1113.

MOTION

SEN. KLEIN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, January 18, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2025: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2025 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "call a meeting to"

Page 1, line 23, replace "an annual meeting" with "a process"

Page 1, line 23, after "update" insert "annually"

Page 1, line 24, replace "meeting" with "process"

Page 1, line 24, replace "be comprised of" with "include input and participation from"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2120: Transportation Committee (Sen. Rust, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2152: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2167: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2167 was placed on the Sixth order on the calendar.

Page 3, line 15, replace "six" with "four"

Page 3, line 16, after "participation" insert ", with no more than two hours accepted for each calendar year"

Page 3, line 16, remove "Active participation"

Page 3, line 17, replace "hours do not qualify as" with "One year of active participation equates to one hour of continuing education credit. A licensee may not use continuing education granted for active participation to satisfy other continuing education requirements or"

Page 3, line 19, replace "commissioner" with "professional insurance association"

Page 3, line 19, after the underscored period insert "The professional insurance association shall inform the commissioner of participation by the insurance producer or consultant."

Page 3, line 20, replace "such verification" with "participation confirmation"

Page 3, line 20, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2198: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Sixth order on the calendar.

Page 3, line 2, after "19-03.4" insert "or possession of a controlled substance under section 19-03.1-23"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2200: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2206: Judiciary Committee (Sen. D. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2206 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "a"

Page 1, line 11, replace "class B misdemeanor" with "an infraction"

Renumber accordingly

FIRST READING OF SENATE BILLS

Sens. Kannianen, Wardner and Rep. Pollert introduced:

SB 2312: A BILL for an Act to amend and reenact section 57-51.2-01 and subsection 5 of section 57-51.2-02 of the North Dakota Century Code, relating to the allocation of revenue from oil and gas production and oil extraction taxes imposed on production and extraction activity on a reservation in this state; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. J. Lee, Hogan, Poolman and Reps. Rohr, Westlind introduced:

SB 2313: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 and a new section to chapter 50-06 of the North Dakota Century Code, relating to duties of the department of human services and creation of a children's commission; and to repeal section 50-06-43 of the North Dakota Century Code, relating to the children's behavioral health task force.

Was read the first time and referred to the **Human Services Committee**.

Sens. J. Lee, Dever, Marcellais and Reps. Owens, Pyle, Westlind introduced:

SB 2314: A BILL for an Act to amend and reenact sections 37-14-01.1 and 37-14-18 and subsection 8 of section 37-19.1-01 of the North Dakota Century Code, relating to the accreditation of county veterans' service officers and the definition of a veteran for purposes of veterans' relief and rehabilitation and veterans' preference.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Erbele, Patten, Unruh and Reps. Boe, Schmidt, Westlind introduced:

SB 2315: A BILL for an Act to create and enact section 20.1-02-33 of the North Dakota Century Code, relating to identifying private land open to hunters; to amend and reenact sections 12.1-22-03, 20.1-01-18, 20.1-01-19, 20.1-01-20, and 20.1-03-42 of the North Dakota Century Code, relating to criminal trespass and hunting on private land; to repeal section 20.1-01-17 of the North Dakota Century Code, relating to posting land; and to provide a penalty.

Was read the first time and referred to the **Agriculture Committee**.

The Senate stood adjourned pursuant to Senator Klein's motion.

Shanda Morgan, Secretary

